



3736

3702 # SECTOR

3736

2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marvin J. Slepian

Serial No.: 09/662,927

Group Art Unit: 3736

Filed: September 15, 2000

Examiner: Not yet assigned

For: *SENSING, INTERROGATING, STORING, TELEMETERING AND
RESPONDING MEDICAL IMPLANTS*

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JAN 11 2001
TC 3700 MAIL ROOM

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION AND
REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application, mailed November 14, 2000, applicant encloses copies of the following filed November 15, 2000, in the above-identified application:

1. Transmittal of Declaration for Patent Application, Statement Claiming Small Entity Status, Statement Under 37 C.F.R. § 3.73(b), and Request for Refund with Certificate of Mailing Under 37 C.F.R. § 1.8(a);
2. Declaration for Patent Application executed by Marvin J. Slepian;

3. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(c) --- Small Business Concern) executed by Endoluminal Therapeutics, Inc.;

4. Statement Under 37 C.F.R. § 3.73(b) executed by Endoluminal Therapeutics, Inc., with attached copy of the executed Assignment from Marvin J. Slepian to Endoluminal Therapeutics, Inc.;

5. Check in the amount of \$65.00 for the small entity surcharge for late filing the Declaration for Patent Application; and

6. Returned postcard indicating receipt by the Patent Office of the documents listed in Nos. 1-5 on November 17, 2000.

Applicant also encloses a copy of the Notice to File Missing Parts of Nonprovisional Application, mailed November 14, 2000. Applicant did not receive the Notice until November 17, 2000, which was after the two-month deadline for requesting a 50% refund of the filing fees.

No fees are due at this time. However, should any fee be due, please charge such fee, or credit any overpayment in connection with this matter, to Deposit Account No. 01-2507.

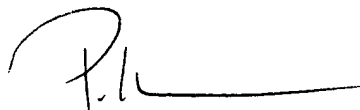
A duplicate of this transmittal is enclosed to facilitate this process.

U.S.S.N.: 09/562,927
Filed: September 15, 2000
RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION AND
REQUEST FOR CORRECTED FILING RECEIPT

Request for Corrected Filing Receipt

Applicant respectfully requests a corrected Filing Receipt to correct the omission of acknowledgment of small entity status, and the related adjustment of fees. A copy of the official Filing Receipt with the corrections noted in red is enclosed.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

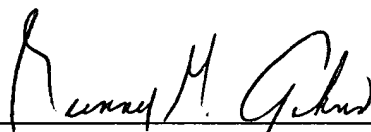
Date: December 12, 2000

ARNALL GOLDEN & GREGORY, LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3450
404-873-8794
404-873-8795 (fax)

U.S.S.N.: 09/662,927
Filed: September 15, 2000
**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION AND
REQUEST FOR CORRECTED FILING RECEIPT**

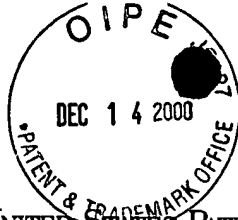
CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Response to Notice to File Missing Parts of Nonprovisional Application and Request for Corrected Filing Receipt, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.



Sunny G. Johns

Date: December 12, 2000



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/662,927	09/15/2000	Marvin J. Slepian	MJS 101

Patrea L Pabst
Arnall Golden & Gregory LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3450

FORMALITIES LETTER



OC000000005553368

Date Mailed: 11/14/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 546.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/662,927	09/15/2000	3736	676	MJS 101	4	38	4

FILING RECEIPT



OC000000005553367

Patrea L Pabst
Arnall Golden & Gregory LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3450

Date Mailed: 11/14/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Marvin J. Slepian, Tucson, AZ ;

Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/154,637 09/17/1999

Foreign Applications

If Required, Foreign Filing License Granted 11/14/2000

SMALL ENTITY

Title

Sensing, interrogating, storing, telemetering and responding medical implants

Preliminary Class

600

Data entry by : BROWN, ROSCOE

Team : OIPE

Date: 11/14/2000



DOCKETED FOR _____
BY JCS
DATE 12-5-00

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED; FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Marvin J. Slepian

Serial No.: 09/662,927

Group Art Unit: Not yet assigned

Filed: September 15, 2000

Examiner: Not yet assigned

For: *SENSING, INTERROGATING, STORING, TELEMETERING AND
RESPONDING MEDICAL IMPLANTS*

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JAN 11 2001
TC 3700 MAIL ROOM

**TRANSMITTAL OF DECLARATION FOR PATENT APPLICATION,
STATEMENT CLAIMING SMALL ENTITY STATUS,
STATEMENT UNDER 37 C.F.R. § 3.73(b), AND REQUEST FOR REFUND**

Sir:

Applicant encloses the following for filing in the above-identified application:

1. Declaration for Patent Application executed by Marvin J. Slepian;
2. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(c) --- Small

Business Concern) executed by Endoluminal Therapeutics, Inc.;

3. Statement Under 37 C.F.R. § 3.73(b) executed by Endoluminal Therapeutics, Inc.,

with attached copy of the executed Assignment from Marvin J. Slepian to Endoluminal
Therapeutics, Inc.; and

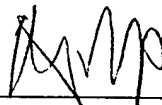
4. Check in the amount of \$65.00 for the small entity surcharge for late filing the Declaration for Patent Application.

Applicant has not yet received the Notice to File Missing Parts of Nonprovisional Application.

Applicant respectfully requests a 50% refund of the \$1,274.00 filing fee in the application, a total of \$637.00, pursuant to 37 C.F.R. § 1.28.

Please charge any other fees due, or credit any overpayment, in connection with this matter to Deposit Account No. 01-2507. A duplicate of this transmittal is enclosed to facilitate this process.

Respectfully submitted,



Robert A. Hodges
Reg. No. 41,074

Date: November 15, 2000

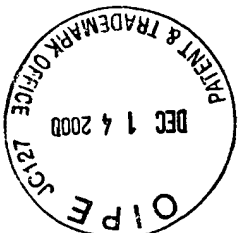
ARNALL GOLDEN & GREGORY, LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3450
404-873-8796
404-873-8797 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Transmittal of Declaration for Patent Application, Statement Claiming Small Entity Status, Statement Under 37 C.F.R. § 3.73(b), and Request for Refund, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

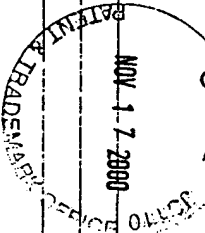

Teresa R. Spratt

Date: November 15, 2000



The "Received" stamp of the Patent Office is printed hereon acknowledges the filing of:

Applicant: Marvin J. Stepien NOV 17 2000
Serial & Docket Nos. 09/662,927 MJS 101
Filed: September 15, 2000
Papers Submitted:



Transmittal of Declaration for Patent Application, Statement Claiming Small Entity Status, Statement Under 37 C.F.R. § 3.73(b), and Request for Refund with Certificate of Mailing Under 37 C.F.R. § 1.844 (in duplicate), executed Declaration for Patent Application by Marvin J. Stepien; executed Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(c) -- Small Business Concern) by Endoluminal Therapeutics, Inc.; executed Statement Under 37 C.F.R. § 3.73(b) by Endoluminal Therapeutics, Inc., with attached copy of the executed Assignment from Marvin J. Stepien to Endoluminal Therapeutics, Inc.; check for \$65.00, and authorization to charge Deposit Account

Date: November 15, 2000 Chem/Mater No.: 20043/5

By: Patrea L. Pabst, Reg. No. 31,284

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